

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| NOEL A. DAY, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. 4:08CV01888 ERW |
| |) | |
| ROBINWOOD WEST COMMUNITY |) | |
| IMPROVEMENT DISTRICT, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter comes before the Court upon Plaintiff's Second Motion to Compel Production of Documents [doc. #45]. A hearing was held on April 28, 2009, and the Court heard arguments from the Parties on this Motion.

In their Motion, Plaintiffs ask that the Court compel Defendants to respond fully to their Request for Production. The specific provisions at issue are ¶ 10 in which Plaintiffs ask for newsletters from January 1, 2005 through December 31, 2007, ¶ 11 in which Plaintiffs request any opinions, memoranda, emails, notes and letters concerning who was a qualified voter and who could receive ballots, and ¶ 12 in which Plaintiffs seek audio or video recordings of meetings.

Defendant did not file a response to this Motion, and before the hearing the Parties had already come to an agreement that Defendant would provide the materials sought in ¶ 11 within seven days. The Court heard arguments from the Parties on the other two discovery issues. In ¶ 10, Plaintiffs sought all newsletters produced by Defendant since January 1, 2005. Defendant has already provided Plaintiffs with newsletters from January 2, 2008 through the present. The Court agrees with the Defendants that the scope of this request is too broad as the evidence shows that

the time period at issue in this case began sometime around April 2007. As a result, the Court orders Defendants to produce newsletters from July 2007 through the present.

In ¶ 12, Plaintiffs asked that Defendants produce “any and all video or audio recordings of any meeting of the Robinwood West Community Improvement District, its board, or committees since January 1, 2005.” Plaintiffs state that they deposed Jerold Polt, the current Vice President of the Board of Directors for the Robinwood West Community Improvement District, and that at his deposition he stated that he taped some of the meetings. Neither Party has any knowledge of any other recordings that were made of Defendant’s meetings. The Court will therefore order Mr. Polt to disclose any audio or video recordings of Defendant’s meetings in his possession.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Second Motion to Compel Production of Documents [doc. #45] is **GRANTED, in part, and DENIED, in part.** Defendant must produce newsletters from July 2007 through the present, and Mr. Polt shall disclose any audio or video recordings of Defendant’s meetings in his possession. These items shall be produced to Plaintiffs on or before **July 17, 2009.**

Dated this 10th day of July, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE